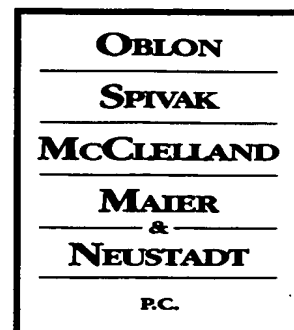




Docket No.: 202930US0CIP

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231



ATTORNEYS AT LAW

RE: Application Serial No.: 09/776,781
Applicants: Jacques THEZE, et al.
Filing Date: February 6, 2001
For: PEPTIDES OF IL-2 AND DERIVATIVES THEREOF
AND THEIR USE AS THERAPEUTIC AGENTS
Group Art Unit: 1646
Examiner: Mertz, Prema M.

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TECH CENTER 1600/2900

SIR:

Attached hereto for filing are the following papers:

Response to Restriction Requirement

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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DOCKET NO.: 202930US0CIP



#12/YRW
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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

Jacques THEZE, et al.

SERIAL NO.: 09/776,781

FILED: FEBRUARY 6, 2001

:

: GROUP ART UNIT: 1646

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: EXAMINER: MERTZ

FOR: PEPTIDES OF IL-2 AND DERIVATIVES THEREOF AND THEIR USE AS
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RESPONSE TO RESTRICTION REQUIREMENT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Responsive to the Official Action dated January 8, 2003, Applicants elect, with
traverse, Group XVI, Claims 16, 18, 19-26, for further prosecution.

REMARKS

The Office has required restriction in the present application as follows:

Group XV: Claims 15, 17, 19-26, drawn to a peptide of amino acid sequence of
SEQ ID NO: 2 or 4; and

Group XVI: Claims 16, 18, 19-26, drawn to a peptide of amino acid sequence of
SEQ ID NO: 6 or 8.

Applicants elect, with traverse, Group XVI, Claims 16, 18, 19-26, for further
prosecution.

The Office has characterized the inventions of Groups XV-XVI, as independent and
distinct. However, the Office has not provided sufficient reasons and/or examples to support
this assertion. To support its conclusion, the Office states: "The peptides of inventions XV

and XVI can be used as probes, or as therapeutically or diagnostically, e.g. in screening” and that “a search of the prior art for the peptide of SEQ ID NO: 2 or 4 would not reveal art pertinent to the peptide of SEQ ID NO: 2 or 4.” However, the Office has not provided any reasonable basis to explain how such statements would support, or even relate, to the present Restriction Requirement. Accordingly, the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. As such, Applicants respectfully submit that the Restriction Requirement should be withdrawn.

Applicants respectfully traverse on the grounds that the Office has not shown that a burden exists in searching the entire application.

Further, MPEP §803 states as follows:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.

Applicants submit that a search of all claims would not constitute a serious burden on the Office, particularly in view of the fact that Groups XV-XVI are classified in the same subclass (class 530, subclass 324).

Applicants respectfully submit that the above-identified application is now in
condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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